

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

FILED

EASTERN DIVISION

JUL 29 2019

THOMAS J. GRECO, JR., <u>Pro-Se</u>)	Case NO.: 1:09CR506
Defendant,)	JUDGE JOHN R. ADAMS
v.)	MR. GRECO'S REPLY TO GOVERNMENTS
UNITED STATES OF AMERICA,)	RESPONSE "IN OPPOSITION TO REDUCE
Plaintiff,)	RESTITUTION."
)	

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

On July 19, 2019 Thomas Greco contacted Mr. Paul Miller "Financial Litigation Agent" to inquire the status of his Motion that was filed on May 30, 2019. (See Docket #286.) Mr. Miller stated that Mr. Rokakis filed a response to Greco's Motion on June 20, 2019 (See Docket #287) to Judge Adams. Mr. Greco made Mr. Miller aware that he (Greco) was never notified nor copied of Mr. Rokakis response. Also Mr. Greco stated that he (Greco) never had a chance to reply to Mr. Rokakis response.

On July 22, 2019 Mr. Greco received a copy of Mr. Rokakis Doc. #287 Filed June 20, 2019 Brief in Opposition to Motion to Reduce Restitution.

Mr. Greco has reviewed Mr. Rokakis response and will reply as follows:

- 1.) Mr. Rokakis states on page 1. To date \$360,710.54 has been paid by the Defendant, leaving a balance of \$634,024.00. This is incorrect. Mr. Greco included a Government Monthly Statements of Monies from Greco to Government. This document was sent to Greco by Mr. Rokakis. See Page 1 of 6. This is Mr. Rokakis handwriting showing Current Liability of \$437,603.17 See **EXHIBIT-1**. Mr. Rokakis also writes "doesn't include all payments made by other parties." The \$634,024.00 is incorrect per Mr. Rokakis.
- 2.) Mr. Greco makes the correction to Mr. Rokakis on page 1-2. In February 2019, Correction: It was May 28, 2019 See **EXHIBIT-2** that Greco included a revised Budget with his Motion. The defendant submitted a revised financial document which reflects his actual and proposed expenses.
- 3.) Mr. Rokakis states on page 2. "The defendant has failed to demonstrate a change in his financial circumstances justifying a reduction in his garnishment to payments of \$25/month. Mr. Greco supplied a Revised Financial Statement within his Motion Doc. #286. This clearly shows the financial circumstances that justify a reduction in restitution.
- 4.) Mr. Rokakis states page 2. "The Defendant owns a home" this is incorrect; the Government by way of a lien took Mr. Greco's home as Forfeiture August 2010. Mr. Greco does not have ownership of any home. In Forfeiture the Government charged Greco \$120,000. The Home sold and Mrs. Greco received her half or 50% which was \$105,000. Mrs. Greco then purchased a repossessed home. This home is not owned by Mr. Greco nor will it ever, per Mrs. Greco's "Last Will and Testament." In regards to any monies Mrs. Greco received as inheritance from her parents, Mr. Greco has no access nor will he ever.
- 5.) Mr. Rokakis states on page 2. The Defendant also lists Funeral Expenses, Emergency Fund, Attorney Fee's, etc. This is also incorrect. Please note page 5 of Greco's Total Monthly Income vs. Expenses. Dated May 28, 2019 this was included with Greco's Motion Filed May 30, 2019 Doc. #286. This shows "No Funeral, Emergency Fund, or Attorney Fee's are even added or included. Mr. Rokakis read off the February 2019 Budget instead of the revised May 2019 Greco Budget.

6.) Also included is Greco's Sentencing Memorandum dated February 9, 2011. Judge O'Malley stated that Greco's Restitution would begin 60 days after his release. Also stated that Greco's Restitution would be 10% of his gross monthly earnings. See **EXHIBIT-3**.

Thomas J. Greco, Jr, does not own a Home, Car, and or Personal Property. Nor does he have any funds or monies in a Savings Account. Thomas does have a Checking Account where his Disability Pension Monies are deposited and bills are paid. Thomas's Home was taken by Forfeiture and all his Families Savings and Retirement of \$326,000 was spent on Attorney Fee's to prove his innocence.

Thomas J. Greco, Jr. is asking this Court to reduce the 25% amount taken from his Disability Pension each month. Mr. Greco is asking to reduce that amount to \$25.00 each month. Mr. Greco includes documentation that shows his monthly expenses of \$7,058.56 compared to his monthly income of \$2,642.01. See the following for explanation:

- 1.) OPERS letter of July 8, 2019 Greco's Disability Pension ends December 31, 2019.
- 2.) OPERS letter of January 28, 2019 Greco's Monthly Pension amount will be \$2,996.13 See **EXHIBIT-4** and CCHS of \$187.02. Total Monthly Income of \$3,183.15. Deduct Federal Tax of \$381.98 and State Tax of \$159.16 Greco will receive Monthly Pensions of \$2,642.01 after taxes.

Greco will receive a Monthly Pension of \$2,642.01 to pay the \$7,058.56 following expenses:

Government proposed to take 25% of the gross \$2,996.13 will be \$749.03 a month this will leave Greco with **\$1,892.98** to pay expenses of **\$7,058.56**.

\$442.95 Utilities. Electric, Gas, Water, Sewer, Phone.

\$882.68 Home Expenses. Home Association Fee, Home Owners Insurance, Property Taxes, Home Upkeep and Repairs.

\$1,258.60 Vehicle's. Car Insurances, Car Maintenance, Vehicle Gas, Vehicle License Plates and Renew Driver License,

\$2,441.74 Medical. Carmela Medical Insurance, Prescriptions', Dental, Vision, Co-Pay and Payments of Overage of \$5,500 Deductable.

\$2,032.67 Food & Other Expenses. Household Supplies, Tax Preparation, Postage, Clothing,
\$7,058.56 Total Monthly Expenses.

The \$7,058.56 does not include Attorney Fees, Funeral Expenses, Emergency Fund, or any Major Home Repairs.

Mr. Greco being incarcerated for eight (8) years lived a very different life style, being very basic. Mr. Greco does not expect to live the same life style as in the past; he just wants to be able to pay his bills.

Mr. Greco also includes Sentencing Memorandum of February 9, 2011. Per Judge O'Malley page 126. States: Upon release from the custody of the Bureau of Prisons, any restitution balance that remains will have to be satisfied with payments to commence no later than sixty days following release from imprisonment, in equal monthly payments of at least a minimum of 10% of defendants' gross monthly income.

To date Mr. Greco has supplied to the Court approximately \$360,710.54 in Restitution Monies, this amount does not included monies paid by his co-defendants.

Mr. Greco also states that any and all Court Fees, all Taxes Due on OPERS Monies to the Court, All Forfeiture Monies and all Taxes due to the IRS have all been paid in full.

Mr. Greco also includes **EXHIBIT-5** Letter from Mr. Rokakis dated March 14, 2017 stating Greco's financial situation will be reevaluated by his Probation Officer. **EXHIBIT-6** is letter from Mr. Miller Financial Litigation Agent dated February 5, 2019.

Mr. Greco asks this Honorable Court to approve his "Motion to reduce his Restitution."

United States Court House.

Attention "Clerk of Courts."

801 West Superior Ave.

Cleveland, Ohio 44113

Cc: Ms. Keysha Myers. U.S. Pretrial Services & Probation Officer.

Cc: Paul Miller. Financial Litigation Agent.

Cc: Alex Rokakis. Assistant U.S. Attorney.

Cc: Robert Patton. Assistant Attorney.